

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

JEFFREY A. HARKER,)	
)	
Plaintiff,)	
v.)	Case No: 1:14CV-00005-AGF
)	
JOHN JORDAN, T.C. STEVENS, JAMES)	
MULCAHY and RUTH ANN DICKERSON,)	
)	
Defendants.)	

MOTION TO LIFT STAY

COME NOW the Defendants and move the Court to lift the stay of the proceedings in the above entitled cause and in support of said motion states:

1. On May 23, 2016 the parties stipulated to stay further proceedings pending the outcome of a ruling by the United States District Court for the Eastern District of Missouri in the case of *Simpson v. The County of Cape Girardeau*, Case Number 1:14CV00013CEJ.
2. The Court thereafter on May 24, 2016 entered an order requiring the parties to notify the Court as to lifting the stay after the decision in the *Simpson* case.
3. On August 16, 2016, the Court in the *Simpson* case entered its Judgment and Memorandum in which it found the postcard only policy of the Cape Girardeau County Jail did not violate Cheryl Simpson's constitutional rights and therefore

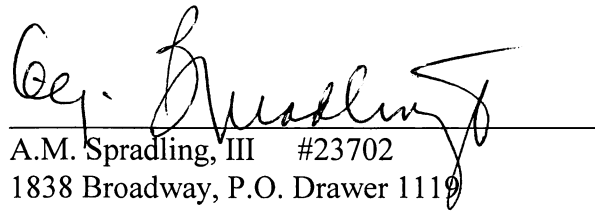
entered Judgment in favor of Cape Girardeau County on the policy.

4. According to the stipulation entered into between the parties on May 23, 2016, Plaintiff stipulated to abide by the decision in the pending Motion for Summary Judgment and would not attempt to distinguish *Simpson* from the Harker case.

IT IS THEREFORE RESPECTFULLY SUBMITTED, that the Court now lift the stay of proceedings, and proceed to determine the constitutionality of the postcard only policy in the Harker case, the only pending matter that remains before the Court.

SPRADLING & SPRADLING

By



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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I

I hereby certify that on 30th day of August, 2016, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Ms. Veronica A. Gioia
Jonathan Potts

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Jonathan.Potts@bryancave.com

SPRADLING & SPRADLING

By:

